

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NATHAN ANDERSON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-02334-JPH-TAB
)	
BOULES Officer,)	
)	
Defendant.)	

Order to Show Cause

In this action, the plaintiff alleges that the defendant violated the Eighth Amendment because the defendant escorted the plaintiff down ice-covered steps despite being warned by another correctional officer that the steps were covered in ice, and the plaintiff fell and injured himself.

The defendant filed a motion to compel the plaintiff to serve his initial disclosure as well as respond to the defendant's discovery. Dkt. 28. The Court granted the defendant's motion, and the plaintiff was to serve his initial disclosures and responses to the defendant's discovery by April 26, 2019. Dkt. 31. The plaintiff did not respond to the defendant's discovery requests until August 2019, dkt. 44, and he did not serve his initial disclosures on the defendant until September 2019, dkt. 46.

In June 2019, the defendant filed a motion for order of contempt, notifying the Court that the plaintiff had not complied with the Court's discovery order. Dkt. 34. Consequently, the Court issued an order to show cause to the plaintiff directing him to respond to the motion for order of contempt by June 27, 2019. The plaintiff has not responded to this show cause order.

Additionally, the defendant filed a motion for summary judgment in July 2019. Dkt. 38. The plaintiff has not responded to the motion for summary judgment.

The plaintiff shall have **through June 19, 2020**, to show cause why this action should not be dismissed with prejudice for failure to obey orders of the Court and failure to prosecute, *see In re Thomas Consol. Indus., Inc.*, 456 F.3d 719, 727 (7th Cir. 2006), and why summary judgment should not be granted for failure to respond to defendant's summary judgment motion, *see* S.D. Ind. L.R. 7-1(c)(5) ("The court may summarily rule on a motion if the opposing party does not file a response within the deadline.").

SO ORDERED.

Date: 5/21/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

NATHAN ANDERSON
219213
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

Benjamin C. Ellis
INDIANA ATTORNEY GENERAL
Benjamin.Ellis@atg.in.gov